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**COLORADO  
DEPARTMENT  
OF PUBLIC SAFETY**

DEPT. OF TRANSPORTATION  
DOCKET SECTION

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October 16, 1997

Docket Clerk  
U.S. DOT Dockets  
Room PL-401  
400 Seventh St. SW  
Washington, DC 20590-0001

Docket No FHWA-97-2759 - 28

The Colorado State Patrol would like to offer the following response to the questions posed in the Federal Register concerning the English Language Requirement: Qualifications of Drivers. Hopefully you will find them helpful in making your decisions.

Question #1. One of our ten roadside inspectors assigned to our safety section indicated that he has attempted to conduct safety inspections on several occasions with operators that did not have a working knowledge of English. On three occasions he stopped the inspection because the driver started or tried to move the vehicle while the inspector was under it. We can only believe that this sort of unsafe action may occur on future occasions. The dates or other details of these instances were not documented.

Question #2. Colorado has adopted the FMCSR requirement. This was promulgated to maintain compatibility with FMCSR.

Question #3. There is no specific "test" that is used to determine a persons ability to communicate, but when an inspector asks for a drivers license, medical card, registration, or logbook and the driver's response in "no hablo Inglés" a reasonable person may deduct that the person cannot or does not want to communicate with the officer.

Question #4. There have not been any recent experiences where a driver was placed out of service for not speaking English. One officer indicated that he thought at one time it was part of the CVSA out-of-service criteria and did so because of that understanding. We are not aware of any action, ticket, or out-of-service that was challenged in court.

Roy Romer  
GOVERNOR  
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Colorado State  
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Colorado Bureau  
of Investigation

Division of  
Criminal Justice

Division of  
Fire Safety



LIFE'S A SNARE  
ALWAYS BUCKLE UP



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Question #5. We are not aware of any specific phrases that would "measure" a person's ability to show a working knowledge of the English language.

We would like to comment that if an officer asks questions of the driver and consistently gets no response or a questioning look or "no hablo Inglés" the driver is making an effort to indicate for whatever reason that he can't or doesn't want to communicate. If a person does not or will not make an attempt to communicate then there may be a safety related reason why this action is taken. Is the driver trying to cover a mechanical defect, hours of service problem or driver qualification problem (no license/medical card)? On occasions an officer that is presented with just such a situation may release the contact due to a "frustration factor" in not being able to or led to believe that communication is not going to take place unless an interpreter is available. Not all situations allow for an interpreter to respond. Potentially, safety concerns that could have been corrected will go undetected and continue to be a risk to other motorists.

The Colorado State Patrol agrees with FHWA and believes that the regulation should require that drivers simply possess the basic functional communications/comprehension ability to ensure safety.

Thanks for the opportunity to comment on this docket. If you have any questions I can be reached at (303)232-5602.

Sincerely,



Keith G. Dameron, Captain  
Colorado State Patrol  
Motor Carrier Safety

KGD/JHP/src

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